

### REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1 and 3-8 are pending in the application. Claims 1, 6 and 8 are amended; and Claim 2 is canceled by the present amendment. Support for amended independent Claims 1, 6 and 8 can be found in the original specification, claims and drawings.<sup>1</sup> No new matter is presented.

This amendment is submitted in accordance with 37 C.F.R. § 1.116 which after final rejection permits entering amendments, canceling claims, complying with any requirement of form expressly set forth in a previous Office Action, or presenting rejected claims in better form for consideration on appeal. The present amendment incorporates the subject matter of Claim 2 into independent Claims 1, 6 and 8, thereby presenting the rejected claims in better form for consideration on appeal. As the subject matter of Claim 2 was addressed in previous Office Actions, this amendment does not raise new issues requiring further consideration and/or search. It is therefore respectfully requested that the present amendment be entered under 37 C.F.R. § 1.116.

In the outstanding Official Action, Claims 1, 3-4, 6 and 8 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,230,205 to Garrity et al. (hereinafter Garrity), in view of U.S. Patent No. 6,400,710 to Golden et al. (hereinafter Golden) and U.S. Patent No. 6,782,550 to Cao; and Claims 2, 5 and 7 were rejected under 35 U.S.C. § 103(a) as unpatentable over Garrity, Golden and Cao, in view of U.S. Patent No. 6,134,531 to Trewitt et al. (hereinafter Trewitt).

As noted above, independent Claims 1, 6 and 8 are amended to incorporate the features of dependent Claim 2. The outstanding Official Action rejected Claim 2 under 35

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<sup>1</sup> e.g., specification, original Claim 2, Fig. 29 and pp. 69-70.

U.S.C. § 103(a) as unpatentable over Garrity, Golden and Cao, in view of Trewitt.

Applicants respectfully submit that Trewitt fails to teach or suggest the claimed features for which it is asserted as a secondary reference under 35 U.S.C. § 103.

Amended independent Claim 1 recites, in part, a method for reserving and accessing resources in a distribution server, comprising steps of:

... transmitting a current time reference value from said reservation control apparatus to said user terminal apparatus via the first network if the reservation request is accepted, said current time reference value determining when said reservation state of said distribution server will permit access by the user terminal apparatus to the distribution server for distributing content using said distribution server during said desired service time;

calculating a difference in real time between said current time reference value and a value of current time indicated at said user terminal apparatus;

***notifying the user of said user terminal apparatus of said difference in real time...***

Independent Claims 6 and 8, while directed to alternative embodiments, recite substantially similar features. Accordingly, the remarks represented below are applicable to each of independent Claims 1, 6 and 8.

As described in an exemplary embodiment at Fig. 29 and pp. 69-70 of the specification, a confirmation screen is displayed on a browser display screen (44) of the user terminal apparatus (e.g., user PC 106) and shows the current time of the service provider side and the time of the user PC (106). The time of the service provider side is the time information acquired from the NTP server (153) when the live casting server (150) sends the web page. On the other hand, the time of the user PC (106) shows the current time based on the clock of the user PC (106). The CPU (120) of the user PC (106) then calculates the difference between these times and if there is any difference, shows a message about the presence of the difference as shown in Fig. 29. In this way, it is possible to notify the user of

the user PC (106) of the time difference from the service provider to call attention to such a time difference.

In addressing the above emphasized feature recited in amended independent Claim 1, the outstanding Official Action admits that Garrity, Golden, and Cao neither alone nor in combination teach or suggest this claimed feature. In an attempt to remedy this deficiency, the outstanding Official Action relies on Trewitt and states that it would have been obvious to one of ordinary skill in the art to combine the cited references to arrive at Applicants' claimed features. Applicants respectfully traverse this rejection as Trewitt fails to teach or suggest the claimed features for which it is asserted as a secondary reference under 35 U.S.C. § 103.

Turning to the applied secondary reference, Trewitt describes a computerized method that enables an audience to synchronously interact with a broadcast program in real time.<sup>2</sup> A broadcast clock of a broadcast system is synchronized to a standard time, a server clock of the server computer is synchronized to the standard time using a network timing protocol, and a client computer clock is synchronized to the server clock.<sup>3</sup>

Trewitt, however, fails to teach or suggest *notifying the user of said terminal apparatus of said difference in real time*, as recited in amended independent Claim 1.

In addressing this claimed feature, the outstanding Official Action at p. 6, states that it would have been obvious to one of ordinary skill in the art "to notify the user of the time difference in order to inform the user of the changes needed by the user's terminal." However, as described at col. 4, line 60 – col. 5, line 29, Trewitt describes that each client computer (132) measures the difference between its client clock (603) and the server clock (602). Then, as depicted in Fig. 7, the client (132) repeatedly requests (710) to read the server clock (602), and in response to the requests the server (140) replies with the current server time (720). This time difference is then used to adjust the time of the client clock

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<sup>2</sup> Trewitt, Abstract.

<sup>3</sup> Id.

(603) to produce time-stamps (631) of the responses sent from the client (132) to the server (140).

Therefore, it would not have been obvious to one of ordinary skill in the art to notify the user of a time difference between the server (140) and the client (132), because this time difference is used to automatically adjust the time of the client clock (603) to produce the time-stamps (631) of the responses sent from the client device to the server. As this process is used only to create updated time-stamped messages, there is no need to notify the user of the client device of such small differences between the clock of the client device and the clock of the server device. Specifically, since the time difference is used only to adjust time stamps for a response sent from the client to the server, such a process is more advantageously transparent to the user, and the system would be made unnecessarily intrusive if a display was provided to inform the user of such a difference in time. Further, it is not clear what advantage would be provided in Trewitt's system by notifying a user of a time difference between a client and a server, since the time-stamps corresponding to the messages are updated automatically.

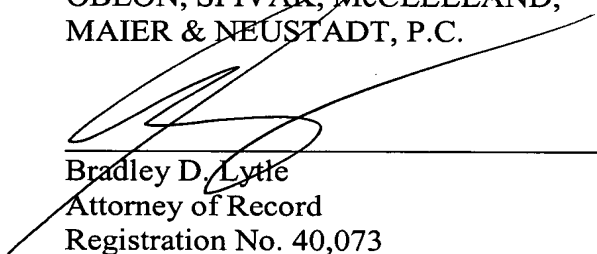
Therefore Trewitt fails to teach or suggest “*notifying the user of said user terminal apparatus of said difference in real time*,” as recited in amended independent Claim 1. Further, it would not have been obvious to one ordinary skill at the time of the invention, to modify Trewitt to perform this claimed feature for at least the reasons noted above.

Accordingly, Applicants respectfully request that the rejection of Claim 1 (and the claims that dependent therefrom) under 35 U.S.C. § 103 be withdrawn. For substantially similar reasons, it is also submitted that independent Claims 6 and 8 (and the claim that depends therefrom) patentably define over Garrity, Golden, Cao and Trewitt.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1 and 3-8 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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